

MINUTES

MONTANA SENATE 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on April 11, 2017 at 9:00 AM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Keith Regier, Chair (R)
Sen. Jennifer Fielder, Vice Chair (R)
Sen. Carlie Boland (D)
Sen. Jen Gross (D)
Sen. Steve Hinebaugh (R)
Sen. Jedediah Hinkle (R)
Sen. Margaret (Margie) MacDonald (D)
Sen. Diane Sands (D)
Sen. Nels Swandal (R)
Sen. Chas Vincent (R)

Members Excused: Sen. Scott Sales (R)

Members Absent: None

Staff Present: Julianne Burkhardt, Legislative Branch
Charlene Devine, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SR 65, 4/8/2017

Executive Action: SJ 25, Do Pass
SR 65, Be Adopted
HB 133, Be Concurred In As Amended
HB 595, Be Concurred In As Amended
HB 600, Be Concurred In As Amended
HB 46, Be Tabled

00:00:43 Chair Regier
00:01:16 Sen. Fielder assumed the role of the chair.

HEARING ON SR 65

Opening Statement by Sponsor:

00:01:23 Sen. Keith Regier (R), SD 3, opened the hearing on SR 65, Confirm Governor's appointees to the Board of Crime Control.

Proponents' Testimony:

00:02:30 Deb Matteucci, Montana Board of Crime Control (MBCC)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:03:05 Sen. Sands
00:03:55 Ms. Matteucci, MBCC

Closing by Sponsor:

00:04:38 Sen. Regier
00:05:00 Chair Regier resumed the role of the chair.

EXECUTIVE ACTION ON SJ 25

00:05:46 **Motion:** Sen. Fielder moved that **SJ 25 DO PASS.**

Discussion:

00:05:59 Chair Regier
00:06:06 Julianne Burkhardt, Legislative Services Division
00:06:11 Sen. Sands
00:06:20 Chair Regier
00:06:27 Sen. MacDonald

00:06:55 **Vote:** Motion carried 8-3 by voice vote with Sen. Hinebauch, Sen. S. Sales and Sen. Vincent voting no. Sen. S. Sales, Sen. Hinkle and Sen. Vincent voted by proxy.

EXECUTIVE ACTION ON HB 46

00:08:01 **Motion:** Sen. Fielder moved that **HB 46 BE CONCURRED IN.**

Discussion:

00:08:08 Chair Regier
 00:08:16 Jullianne Burkhardt, Legislative Services Division
 00:08:23 Sen. Swandal
 00:10:20 Sen. Sands
 00:10:53 Sen. Fielder
 00:12:15 Sen. Swandal
 00:14:42 Sen. MacDonald
 00:15:18 Chair Regier

00:15:51 **Vote:** Motion failed 5-6 by roll call vote with Sen. Boland, Sen. Gross, Sen. MacDonald, Sen. Sands and Sen. Swandal voting aye. Sen. Hinkle, Sen. S. Sales and Sen. Vincent voted by proxy.

00:16:00 **Motion/Vote:** Sen. Fielder moved that **HB 46 BE TABLED AND THE VOTE REVERSED**. Motion carried 6-5 by roll call vote with Sen. Boland, Sen. Gross, Sen. MacDonald, Sen. Sands and Sen. Swandal voting no. Sen. Hinkle, Sen. S. Sales and Sen. Vincent voted by proxy.

EXECUTIVE ACTION ON SR 65

00:19:14 **Motion/Vote:** Sen. Fielder moved that **SR 65 BE ADOPTED**. Motion carried unanimously by voice vote. Sen. Hinkle, Sen. S. Sales and Sen. Vincent voted by proxy.

EXECUTIVE ACTION ON HB 133

00:20:07 **Motion:** Sen. Fielder moved that **HB 133 BE CONCURRED IN**.

Discussion:

00:20:13 Chair Regier
 00:20:24 Julianne Burkhardt, Legislative Services Division (LSD)

00:27:31 **Motion:** Sen. K. Regier moved that **HB 133 BE AMENDED**.
[**EXHIBIT\(jus76a01\)**](#)

Discussion:

00:27:40 Ms. Burkhardt, LSD
 00:28:56 Sen. Sands
 00:29:06 Ms. Burkhardt
 00:30:27 Chair Regier

00:30:39 Sen. Hinkle entered the hearing.

00:30:44 Ms. Burkhardt

00:31:00 **Vote:** Motion carried unanimously by voice vote. Sen. S. Sales and Sen. Vincent voted by proxy.

00:31:28 Chair Regier

00:31:31 **Motion:** Sen. Swandal moved that **HB 133 BE AMENDED.**

[EXHIBIT\(jus76a02\)](#)

[EXHIBIT\(jus76a03\)](#)

Discussion:

00:34:08 Sen. Swandal

00:34:57 Sen. MacDonald

00:35:37 Sen. Fielder

00:35:46 **Vote:** Motion carried unanimously by voice vote. Sen. S. Sales and Sen. Vincent voted by proxy.

00:36:38 **Motion:** Sen. Swandal moved that **HB 133 BE AMENDED.**

[EXHIBIT\(jus76a04\)](#)

Discussion:

00:36:54 Sen. Swandal

00:40:06 Sen. Fielder

00:40:16 Ms. Burkhardt

00:40:29 Chair Regier

00:41:08 Sen. Swandal

00:41:31 Chair Regier

00:41:36 Sen. Fielder

00:42:06 Sen. Swandal

00:43:45 Sen. Gross left the hearing.

00:43:53 Sen. Fielder

00:44:14 Sen. Hinkle

00:45:04 Sen. Swandal

00:45:11 Sen. Fielder

00:45:24 Chair Regier

00:45:43 Sen. Swandal

00:45:59 **Vote:** Motion carried unanimously by voice vote. Sen. Gross, Sen. S. Sales and Sen. Vincent voted by proxy.

00:46:36 **Motion:** Sen. Swandal moved that **HB 133 BE AMENDED.**

[EXHIBIT\(jus76a05\)](#)

Discussion:

00:47:12 Sen. Swandal

00:47:15 Ms. Burkhardt

00:47:44 Sen. Fielder

00:48:02 **Vote:** Motion carried unanimously by voice vote. Sen. Gross, Sen. Sales and Sen. Vincent voted by proxy.

Discussion:

00:48:35 Sen. Swandal

00:50:25 Sen. Vincent entered the hearing.

00:50:46 Sen. Hinkle

00:51:16 Sen. Fielder

00:51:30 Sen. Swandal

00:51:41 Ms. Burkhardt

00:52:59 Sen. Fielder

00:53:12 Ms. Burkhardt

00:54:21 **Motion:** Sen. Swandal moved that **HB 133 BE AMENDED.**
EXHIBIT(jus76a06)

Discussion:

00:54:40 Sen. Swandal

00:56:37 Chair Regier

00:56:39 Sen. Fielder

00:57:25 Sen. Hinkle

00:57:55 **Vote:** Motion carried 8-3 by roll call vote with Sen. Hinebauch, Sen. S. Sales and Sen. Vincent voting no. Sen. Gross and Sen. S. Sales voted by proxy.

00:59:12 **Motion:** Sen. Swandal moved that **HB 133 BE AMENDED.**
EXHIBIT(jus76a07)

Discussion:

00:59:29 Sen. Swandal

01:01:05 Sen. MacDonald

01:02:43 Sen. Hinkle

01:03:59 Sen. Vincent

01:04:23 **Vote:** Motion carried 9-2 by roll call vote with Sen. Fielder and Sen. Hinkle voting no. Sen. Gross and Sen. S. Sales voted by proxy.

01:05:12 **Motion:** Sen. Fielder moved that **HB 133 BE CONCURRED IN AS AMENDED.**

Discussion:

01:05:38 Sen. Sands

01:06:25 Chair Regier

01:06:48 Sen. Fielder left the hearing.

01:07:21 **Vote:** Motion carried 9-2 by roll call vote with Sen. Hinebauch and Sen. K. Regier voting no. Sen. Fielder, Sen. Gross and Sen. S. Sales voted by proxy. Sen. Wolken will carry the bill.

EXECUTIVE ACTION ON HB 595

01:08:43 **Motion:** Sen. K. Regier moved that **HB 595 BE CONCURRED IN**.

01:09:43 **Motion:** Sen. K. Regier moved that **HB 595 BE AMENDED**.
[EXHIBIT\(jus76a08\)](#)

Discussion:

01:09:58 Chair Regier

01:10:26 Sen. Sands

01:10:44 **Vote:** Motion carried 7-4 by roll call vote with Sen. Boland, Sen. Gross, Sen. MacDonald and Sen. Sands voting no. Sen. Fielder, Sen. Gross and Sen. S. Sales voted by proxy.

01:11:41 **Motion:** Sen. K. Regier moved that **HB 595 BE CONCURRED IN AS AMENDED**.

Discussion:

01:12:46 Sen. Sands

01:13:20 Sen. Hinkle

01:13:38 Chair Regier

01:13:50 **Vote:** Motion carried 6-5 by roll call vote with Sen. Boland, Sen. Gross, Sen. MacDonald, Sen. Sands and Sen. Swandal voting no. Sen. Fielder, Sen. Gross and Sen. S. Sales voted by proxy. Sen. Fielder will carry the bill.

EXECUTIVE ACTION ON HB 600

01:15:10 **Motion:** Sen. K. Regier moved that **HB 600 BE CONCURRED IN**.

01:15:45 **Motion:** Sen. Sands moved that **HB 600 BE AMENDED**.
[EXHIBIT\(jus76a09\)](#)

Discussion:

01:16:27 Julianne Burkhardt, Legislative Services Division

01:17:29 Sen. Sands

01:18:07 Chair Regier

01:18:52 Sen. Swandal

01:20:27 Sen. Sands
01:21:00 Chair Regier

01:21:14 **Motion/Vote:** Sen. Sands moved to **SEGREGATE SECTION 2 FROM AMENDMENT HB060001.AJB**. Motion carried unanimously by voice vote.

01:22:05 Chair Regier

01:22:09 **Vote:** Motion to amend HB 600 with sections 1 and 3 carried unanimously by voice vote. Sen. Fielder, Sen. Hinebauch and Sen. S. Sales voted by proxy.

01:22:35 Sen. Sands

01:22:44 **Motion:** Sen. K. Regier moved that **HB 600 BE AMENDED. EXHIBIT(jus76a10)**

Discussion:

01:23:06 Chair Regier
01:23:45 Sen. Hinkle
01:24:27 Sen. Swandal
01:26:36 Chair Regier
01:26:41 Sen. Swandal
01:27:08 Chair Regier
01:27:13 Sen. Swandal
01:27:19 Sen. MacDonald

01:27:49 **Vote:** Motion failed 1-10 by roll call vote with Sen. K. Regier voting aye. Sen. Fielder, Sen. Gross and Sen. S. Sales voted by proxy.

01:28:49 **Motion:** Sen. MacDonald moved that **HB 600 BE CONCURRED IN AS AMENDED.**

Discussion:

01:28:59 Sen. Vincent
01:29:47 Chair Regier
01:30:08 Sen. Sands

01:30:21 **Vote:** Motion carried 9-2 by roll call vote with Sen. Hinebauch and Sen. K. Regier voting no. Sen. Fielder, Sen. Gross and Sen. S. Sales voted by proxy. Sen. Swandal will carry the bill.

01:31:22 Sen. Sands

01:32:39 Chair Regier

ADJOURNMENT

Adjournment: 10:40 AM

Charlene Devine, Secretary

cd

Additional Documents

Additional Documents:

EXHIBIT([jus76aad.pdf](#))